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SENATE BILL 218

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO MUNICIPAL CURFEW ORDINANCES; PROVIDING MUNICIPALITIES WITH AUTHORITY TO ADOPT CURFEW ORDINANCES; VESTING CERTAIN COURTS WITH EXCLUSIVE JURISDICTION OVER MUNICIPAL CURFEW VIOLATIONS; PRESCRIBING PENALTIES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-17-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-16-1, as amended) is amended to read:

"3-17-1. ORDINANCES--PURPOSES. --The governing body of a municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico for the purpose of:

- A. effecting or discharging the powers and duties conferred by law upon the municipality;
- B. providing for the safety, preserving the

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1 health, promoting the prosperity and improving the morals,  
2 order, comfort and convenience of the municipality and its  
3 inhabitants; and

4 C. enforcing obedience to the ordinances by  
5 prosecution in the municipal court and metropolitan courts and  
6 upon conviction the imposition of:

7 (1) except for those violations of ordinances  
8 described in Paragraphs (2), [~~and~~] (3) and (4) of this  
9 subsection, a fine of not more than five hundred dollars  
10 (\$500) or imprisonment for not more than ninety days or both;

11 (2) for a violation of an ordinance  
12 prohibiting driving a motor vehicle while under the influence  
13 of intoxicating liquor or drugs, a fine of not more than one  
14 thousand dollars (\$1,000) or imprisonment for not more than  
15 three hundred sixty-four days or both; [~~and~~]

16 (3) for violations of an industrial user  
17 wastewater pretreatment ordinance as required by the United  
18 States environmental protection agency, a fine of not more  
19 than one thousand dollars (\$1,000) a day for each violation;  
20 and

21 (4) for a violation of a curfew ordinance, a  
22 fine of not more than two hundred fifty dollars (\$250) or  
23 community service, or both. "

24 Section 2. Section 32A-2-29 NMSA 1978 (being Laws 1993,  
25 Chapter 77, Section 58) is amended to read:

. 120891. 2

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1 "32A-2-29. MOTOR VEHICLE CODE VIOLATIONS -- CURFEW  
2 VIOLATIONS. --

3 A. The municipal, magistrate or metropolitan court  
4 shall have original exclusive jurisdiction over all Motor  
5 Vehicle Code violations, [~~or~~] municipal traffic code  
6 violations or municipal curfew violations when the person  
7 alleged to have committed the violation is a child, with the  
8 exception of those violations contained in Paragraph (1) of  
9 Subsection A of Section [~~32-2-3~~] 32A-2-3 NMSA 1978 and all  
10 traffic offenses alleged to have been committed by the child  
11 arising out of the same occurrence pursuant to Subsection B of  
12 this section.

13 B. If the children's court acquires jurisdiction  
14 over a child pursuant to any of those Motor Vehicle Code  
15 violations contained in Paragraph (1) of Subsection A of  
16 Section [~~32-2-3~~] 32A-2-3 NMSA 1978, it shall have jurisdiction  
17 over all traffic offenses alleged to have been committed by  
18 the child arising out of the same occurrence.

19 C. All traffic offenses [~~which~~] that the child is  
20 found to have committed by the municipal, magistrate or  
21 metropolitan court or for which the child is adjudicated  
22 delinquent by the children's court shall be subject to the  
23 reporting requirements and the suspension and revocation  
24 provisions of the Motor Vehicle Code and shall not be subject  
25 to the confidentiality provisions of the Delinquency Act.



1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5  
6 February 2, 1998

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8 Mr. President:

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10 Your COMMITTEES' COMMITTEE, to whom has been referred

11  
12 SENATE BILL 218

13  
14 has had it under consideration and finds same to be GERMANE,  
15 pursuant to House Executive Message No. 17, and thence referred to  
16 the JUDICIARY COMMITTEE.  
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19 Respectfully submitted,

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25 Manny M. Aragon, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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